

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN RANDALL PYATT,
Plaintiff,

v.

GEO GROUP INC.,
et al.,
Defendants.

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CIVIL ACTION NO. 19-CV-2444

ORDER

AND NOW, this 17th day of June, 2019, upon consideration of Plaintiff John Randall Pyatt's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 3), and his *pro se* Complaint (ECF No. 2), which raises claims under 42 U.S.C. § 1983, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. John Randall Pyatt, #70-41228, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of George W. Hill Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Pyatt's inmate account; or (b) the average monthly balance in Pyatt's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Pyatt's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's

income credited to Pyatt's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of George W. Hill Correctional Facility.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED without prejudice** as to all claims asserted against Defendants GEO Group Inc., Warden David Byrnes and Deputy Warden Mario Colucci pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii).

6. Pyatt is given thirty (30) days to file an amended complaint. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Pyatt's claims against each defendant. Pyatt should provide enough information for the Court to understand what happened to him and how each named Defendant acted to cause him injury. When drafting his amended complaint, Pyatt should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. The Clerk of Court shall send Pyatt a blank copy of the Court's form complaint to be used by a prisoner filing a civil rights action bearing the above civil action number. Pyatt may use this form to file his amended complaint in the instant case if he chooses to do so.

8. If Pyatt fails to file an amended complaint in accordance with paragraph six (6)

of this Order, his case will be served on Dr. Phillips only.

BY THE COURT:

/s/ Gerald Austin McHugh

United States District Judge